

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02118-RDM

PROTECT DEMOCRACY PROJECT, INC. v. DEPARTMENT OF HOMELAND SECURITY et al
Assigned to: Judge Randolph D. Moss
Case: 1:17-cv-02202-RDM
Cause: 05:552 Freedom of Information Act

Date Filed: 10/13/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

PROTECT DEMOCRACY PROJECT, INC.

represented by **Jennifer H. Saperstein**
COVINGTON & BURLING LLP
850 Tenth Street N.W.
One City Center
Washington, DC 20001
(202) 662-5682
Email: jsaperstein@cov.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nikhil Vikas Gore
COVINGTON & BURLING LLP
850 Tenth Street N.W.
One City Center
Washington, DC 20001
(202) 662-5918
Email: ngore@cov.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David J. Iraola
COVINGTON & BURLING LLP
850 Tenth Street, NW
One City Center
Washington, DC 20001
(202) 662-5904
Email: DIraola@cov.com
ATTORNEY TO BE NOTICED

Kevin Travers Barnett
COVINGTON & BURLING LLP
850 Tenth Street, NW
One City Center
Washington, DC 20001
(202) 662-5430
Fax: (202) 662-6291
Email: kbarnett@cov.com
TERMINATED: 01/02/2018

V.

Defendant

DEPARTMENT OF HOMELAND SECURITY

represented by **Scott Leeson Sroka**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7113
Fax: (202) 252-2599
Email: scott.sroka@usdoj.gov

**LEAD ATTORNEY
ATTORNEY TO BE NOTICED**

Defendant

**CUSTOMS AND BORDER
PROTECTION**

represented by **Scott Leeson Sroka**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**OFFICE OF MANAGEMENT AND
BUDGET**

represented by **Scott Leeson Sroka**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**OFFICE OF PERSONNEL
MANAGEMENT**

represented by **Scott Leeson Sroka**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/13/2017	<u>1</u>	COMPLAINT against PROTECT DEMOCRACY PROJECT, INC. (Filing fee \$ 400 receipt number 0090-5157619) filed by PROTECT DEMOCRACY PROJECT, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Summons USAO, # <u>6</u> Summons AG, # <u>7</u> Summons CBP, # <u>8</u> Summons DHS, # <u>9</u> Summons OMB, # <u>10</u> Summons OPM)(Barnett, Kevin) (Entered: 10/13/2017)
10/13/2017		Case Assigned to Judge Randolph D. Moss. (zsb) (Entered: 10/13/2017)
10/13/2017	<u>2</u>	SUMMONS (6) Issued Electronically as to CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY, OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF PERSONNEL MANAGEMENT, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 10/13/2017)
10/13/2017	<u>3</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set out in the attached standing order. See document for details. Signed by Judge Randolph D. Moss on 10/13/17. (lcrdm3,) (Entered: 10/13/2017)
10/13/2017	<u>4</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by PROTECT DEMOCRACY PROJECT, INC. (Barnett, Kevin) (Entered: 10/13/2017)
10/13/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/13/2017. Answer due for ALL FEDERAL DEFENDANTS by 11/12/2017. (Barnett, Kevin) (Entered: 10/13/2017)
10/16/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CUSTOMS AND BORDER PROTECTION served on 10/16/2017; DEPARTMENT OF HOMELAND SECURITY served on 10/16/2017; OFFICE OF MANAGEMENT AND BUDGET served on 10/16/2017; OFFICE OF PERSONNEL MANAGEMENT served on 10/16/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/16/2017. (Barnett, Kevin) (Entered: 10/16/2017)
11/08/2017	<u>7</u>	NOTICE of Appearance by Scott Leeson Sroka on behalf of All Defendants (Sroka, Scott) (Entered: 11/08/2017)
11/08/2017	<u>8</u>	NOTICE of Appearance by Nikhil Vikas Gore on behalf of PROTECT DEMOCRACY PROJECT, INC. (Gore, Nikhil) (Entered: 11/08/2017)

11/13/2017	<u>9</u>	ANSWER to <u>1</u> Complaint by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY, OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF PERSONNEL MANAGEMENT.(Sroka, Scott) Modified to add link on 11/14/2017 (znmw). (Entered: 11/13/2017)
11/13/2017		MINUTE ORDER: The parties are hereby ORDERED to appear for a status conference on January 4, 2018, at 10:15 a.m. in Courtroom 21, to discuss the schedule for further proceedings in this matter. The parties shall confer in advance of the status conference to narrow the issues for discussion. Signed by Judge Randolph D. Moss on 11/13/17. (lcrdm3,) (Entered: 11/13/2017)
11/13/2017		Set/Reset Hearings: Status Conference set for 1/4/2018, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 11/13/2017)
01/02/2018	<u>10</u>	NOTICE of Appearance by Jennifer H. Saperstein on behalf of PROTECT DEMOCRACY PROJECT, INC. (Saperstein, Jennifer) (Entered: 01/02/2018)
01/02/2018	<u>11</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to PROTECT DEMOCRACY PROJECT, INC.. Attorney Kevin Travers Barnett terminated. (Barnett, Kevin) (Entered: 01/02/2018)
01/04/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 1/4/2018. Joint Status Report due by 3/3/2018. A further Status Conference is set for 3/13/2018, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (Court Reporter: Jeff Hook.) (kt) (Entered: 01/04/2018)
03/02/2018	<u>12</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 03/02/2018)
03/12/2018	<u>13</u>	STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 03/12/2018)
03/13/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 3/13/2018. Defendant OPM shall complete its production of documents by by 4/6/2018; The remaining Defendant shall provide Plaintiffs and the Court with a production schedule by 4/13/2018. (Court Reporter: Jeff Hook.) (kt) (Entered: 03/13/2018)
03/14/2018		MINUTE ORDER: It is hereby ORDERED that the parties shall submit a joint status report on or before April 27, 2018, identifying the issues remaining in this litigation and proposing a schedule for further proceedings. Signed by Judge Randolph D. Moss on 3/14/18. (lcrdm3,) (Entered: 03/14/2018)
03/14/2018		Set/Reset Deadlines: Joint Status Report due by 4/27/2018. (kt) (Entered: 03/14/2018)
04/13/2018	<u>14</u>	STATUS REPORT and Proposed Production Schedule by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY, OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF PERSONNEL MANAGEMENT. (Sroka, Scott) (Entered: 04/13/2018)
04/27/2018	<u>15</u>	Joint MOTION for Extension of Time to File Joint Status Report by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY, OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF PERSONNEL MANAGEMENT (Sroka, Scott) (Entered: 04/27/2018)
04/27/2018		MINUTE ORDER: Upon consideration of the Joint Motion for Extension of Time <u>15</u> , it is hereby ORDERED that the motion is GRANTED. The parties shall file a joint status report on or before May 4, 2018. Signed by Judge Randolph D. Moss on 4/27/18. (lcrdm3,) (Entered: 04/27/2018)
04/27/2018		Set/Reset Deadlines: Joint Status Report due by 5/4/2018. (dot) (Entered: 04/30/2018)
05/04/2018	<u>16</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 05/04/2018)
05/07/2018		MINUTE ORDER: In light of the parties' Joint Status Report <u>16</u> , it is hereby ORDERED that the parties shall appear for a status conference on May 14, 2018, at 2:00 p.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 5/7/18. (lcrdm3,) (Entered: 05/07/2018)

05/07/2018		Set/Reset Hearings: Status Conference set for 5/14/2018, at 2:00 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 05/07/2018)
05/14/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 5/14/2018. Document productions shall proceed as ordered on the record. A further Status Conference is set for 7/6/2018, at 12:30 PM, in Courtroom 21, before Judge Randolph D. Moss. (Court Reporter: Jeff Hook.) (kt) (Entered: 05/14/2018)
07/05/2018	<u>17</u>	STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 07/05/2018)
07/06/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 7/6/2018. By 7/10/2018, Department of Homeland Security shall provide Plaintiff with search terms, as stated on the record; By 7/13/2018, but no later than 7/27/2018, the parties shall meet and confer regarding the search terms; By 7/13/2018, the Office of Personnel Management documents shall be produced, and if they are not produced the Defendants shall provide a status report with an explanation for the lack of production; Joint Status Report due by 8/17/2018. A further Status Conference is set for 9/5/2018, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (Court Reporter: Jeff Hook.) (kt) (Entered: 07/06/2018)
08/17/2018	<u>18</u>	Unopposed MOTION for Extension of Time to <i>File Status Report</i> by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY, OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF PERSONNEL MANAGEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Sroka, Scott) (Entered: 08/17/2018)
08/17/2018	<u>19</u>	STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 08/17/2018)
08/17/2018		MINUTE ORDER: In light of Defendants' Unopposed Motion for Extension of Time to File Status Report <u>18</u> , it is hereby ORDERED that the motion is GRANTED. The parties shall file their joint status report on or before August 24, 2018. Signed by Judge Randolph D. Moss on 8/17/2018. (lcrdm3,) (Entered: 08/17/2018)
08/17/2018		Set/Reset Deadlines: Joint Status Report due by 8/24/2018. (dot) (Entered: 08/20/2018)
08/24/2018	<u>20</u>	STATUS REPORT by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY, OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF PERSONNEL MANAGEMENT. (Sroka, Scott) (Entered: 08/24/2018)
08/24/2018	<u>21</u>	Supplemental STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 08/24/2018)
08/27/2018		MINUTE ORDER: Upon consideration of the parties' joint status report <u>20</u> , it is hereby ORDERED that the Department of Homeland Security ("DHS") shall file a declaration on or before August 31, 2018, explaining why it cannot review and release responsive, non-exempt records at the rate proposed by Plaintiff. Signed by Judge Randolph D. Moss on 8/27/2018. (lcrdm3,) (Entered: 08/27/2018)
08/27/2018		Set/Reset Deadlines: Department of Homeland Security ("DHS") shall file a declaration on or before 8/31/2018. (kt) (Entered: 08/27/2018)
08/30/2018	<u>22</u>	RESPONSE TO ORDER OF THE COURT re Order, <i>Notice of Filing</i> filed by DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Declaration of James V.M.L. Holzer)(Sroka, Scott) (Entered: 08/30/2018)
09/05/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 9/5/2018. Order forthcoming. (Court Reporter Jeff Hook.) (dot) (Entered: 09/06/2018)
09/10/2018		MINUTE ORDER: In light of the status conference held on September 5, 2018, it is hereby ORDERED that the Department of Homeland Security ("DHS") shall produce records at a minimum rate of 350 pages per month. It is further ORDERED that the parties' shall file a joint status report on or before October 5, 2018, alerting the Court to DHS's progress and proposing a briefing schedule moving forward. Signed by Judge Randolph D. Moss on 9/10/2018. (lcrdm3,) (Entered: 09/10/2018)

09/10/2018		Set/Reset Deadlines: Joint Status Report due by 10/5/2018. (kt) (Entered: 09/10/2018)
10/05/2018	<u>23</u>	STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 10/05/2018)
10/05/2018	<u>24</u>	STATUS REPORT by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY, OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF PERSONNEL MANAGEMENT. (Sroka, Scott) (Entered: 10/05/2018)
10/10/2018		MINUTE ORDER: Upon consideration of Plaintiff's status report <u>23</u> , it is hereby ORDERED that the parties shall appear for a status conference on October 29, 2018, at 10:15 a.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 10/10/2018. (lcrdm3,) (Entered: 10/10/2018)
10/10/2018		Set/Reset Hearings: Status Conference set for 10/29/2018, at 10:15 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 10/10/2018)
10/24/2018	<u>25</u>	Supplemental STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 10/24/2018)
10/29/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 10/29/2018. On or before 11/1/2018, Defendants shall respond to Plaintiffs proposed narrowing of the DHS search to taskers C & D, and OMB's voluminous search to two custodians. The parties shall continue to meet and confer. Joint Status Report due by 11/16/2018. (Court Reporter: Jeff Hook.) (kt) (Entered: 10/29/2018)
11/16/2018	<u>26</u>	STATUS REPORT by CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY, OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF PERSONNEL MANAGEMENT. (Sroka, Scott) (Entered: 11/16/2018)
11/16/2018	<u>27</u>	STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 11/16/2018)
11/25/2018		MINUTE ORDER: Upon consideration of the parties' status reports <u>26</u> , <u>27</u> , it is hereby ORDERED that the parties shall meet and confer on the issues identified in Plaintiff's status report <u>27</u> . It is further ORDERED that the parties shall file a joint status report informing the Court of the outcome of these discussions on or before December 14, 2018. Signed by Judge Randolph D. Moss on 11/25/2018. (lcrdm3,) (Entered: 11/25/2018)
11/26/2018		Set/Reset Deadlines: Joint Status Report due by 12/14/2018. (kt) (Entered: 11/26/2018)
12/14/2018	<u>28</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Gore, Nikhil) (Entered: 12/14/2018)
12/16/2018		MINUTE ORDER: Upon consideration of the parties joint status report <u>28</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before January 31, 2019. Signed by Judge Randolph D. Moss on 12/16/2018. (lcrdm3,) (Entered: 12/16/2018)
12/17/2018		Set/Reset Deadlines: Joint Status Report due by 1/31/2019. (kt) (Entered: 12/17/2018)
01/31/2019	<u>29</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Iraola, David) (Entered: 01/31/2019)
02/03/2019		MINUTE ORDER: Upon consideration of the parties' joint status report <u>29</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before February 15, 2019. Signed by Judge Randolph D. Moss on 2/3/2019. (lcrdm3,) (Entered: 02/03/2019)
02/04/2019		Set/Reset Deadlines: Joint Status Report due by 2/15/2019. (kt) (Entered: 02/04/2019)
02/15/2019	<u>30</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Iraola, David) (Entered: 02/15/2019)
02/18/2019		MINUTE ORDER: Upon consideration of the parties' joint status report <u>30</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before March 15, 2019. It is further ORDERED that the OMB shall provide Plaintiff with information regarding the narrowed searched on or before February 22, 2019. Signed

		by Judge Randolph D. Moss on 2/18/2019. (lcrdm3,) (Entered: 02/18/2019)
02/19/2019		Set/Reset Deadlines: Joint Status Report due by 3/15/2019. (kt) (Entered: 02/19/2019)
03/15/2019	<u>31</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Iraola, David) (Entered: 03/15/2019)
03/20/2019		MINUTE ORDER: In light of the parties' joint status report, it is hereby ORDERED that the parties shall appear for a status conference on April 8, 2019 at 10:00 a.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 3/20/2019. (lcrdm3,) (Entered: 03/20/2019)
03/20/2019		Set/Reset Hearings: Status Conference set for 4/8/2019 at 10:00 AM in Courtroom 21 before Judge Randolph D. Moss. (dot) (Entered: 03/20/2019)
04/03/2019	<u>32</u>	Joint MOTION to Continue by PROTECT DEMOCRACY PROJECT, INC. (Iraola, David) (Entered: 04/03/2019)
04/03/2019		NOTICE OF ERROR re <u>32</u> Motion to Continue; emailed to DIraola@cov.com, cc'd 7 associated attorneys -- The PDF file you docketed contained errors: 1. Do Not Refile. FYI for future filings. If you are electronically filing any document, your signature must be on the document. (ztd,) (Entered: 04/03/2019)
04/04/2019		MINUTE ORDER: Upon consideration of the joint motion to continue <u>32</u> , it is hereby ORDERED that the motion is GRANTED. The status conference scheduled for April 8, 2019, is hereby VACATED. It is further ORDERED that the parties shall submit a further joint status report on or before May 6, 2019. Signed by Judge Randolph D. Moss on 4/4/2019. (lcrdm3,) (Entered: 04/04/2019)
04/04/2019		Set/Reset Deadlines: Joint Status Report due by 5/6/2018. (kt) (Entered: 04/04/2019)
05/06/2019	<u>33</u>	Joint STATUS REPORT by PROTECT DEMOCRACY PROJECT, INC.. (Iraola, David) (Entered: 05/06/2019)
05/09/2019		MINUTE ORDER: Upon consideration of the parties' joint status report <u>33</u> , it is hereby ORDERED that OMB and DHS are no longer required to make future productions in this case. It is further ORDERED that the parties shall submit a further joint status report on or before June 21, 2019. Signed by Judge Randolph D. Moss on 5/9/2019. (lcrdm3,) (Entered: 05/09/2019)
05/09/2019		Set/Reset Deadlines: Joint Status Report due by 6/21/2019. (kt) (Entered: 05/09/2019)